

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DARYL A. ZIEMANN,

Plaintiff,

v.

MICHAEL ASTRUE,
Commissioner of Social Security,

Defendant.

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) CASE NO. C12-0106-JLR-MAT
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) REPORT AND RECOMMENDATION
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Plaintiff brought this action to seek judicial review of the denial of his applications for Disability Insurance Benefits (DIB) and Supplemental Security Income (SSI) by the Commissioner of the Social Security Administration. The parties have now stipulated that this case should be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. 24.)

Based on the stipulation of the parties, the Court recommends that this case be REVERSED and REMANDED for further administrative proceedings. The parties have stipulated that, on remand, the Administrative Law Judge (ALJ) will: (1) update the treatment record regarding plaintiff's medical condition(s); (2) articulate how the severity of all medically determinable impairments are evaluated, specifically, plaintiff's alleged impairments of deep

01 vein thrombosis and pulmonary embolus; (3) articulate how plaintiff's credibility is evaluated
02 in light of any new evidence and the step two analysis; (4) expressly evaluate the opinions of
03 Scott Blaker, M.D., and Paul Sarvasy, M.D., providing reasons for accepting or rejecting part or
04 all of these opinions; (5) further consider plaintiff's residual functional capacity in light of the
05 updated record, citing specific evidence in support of any assessed limitations; (6) as
06 appropriate, secure supplemental evidence from a vocational expert to clarify the effects of
07 assessed limitations on plaintiff's occupational base; and (7) evaluate the effect, if any, the
08 subsequent allowance of Title XVI benefits as of June 13, 2011, has on the instant claim. The
09 subsequent allowance of Title XVI benefits based on a finding of disability beginning June 13,
10 2011 shall not be disturbed upon remand, and accordingly, the ALJ shall consider whether
11 plaintiff was disabled at any time from the prior application date of July 8, 2008 through June
12 12, 2011. Plaintiff may also present new arguments on remand.

13 Upon proper application, the Court will consider plaintiff's application for attorney fees
14 and expenses pursuant to 28 U.S.C. § 2412(d).

15 Given the above, the Court recommends that United States District Judge James L.
16 Robart immediately approve this Report and Recommendation and order the case REVERSED
17 and REMANDED for further administrative proceedings. A proposed order accompanies this
18 Report and Recommendation.

19 DATED this 28th day of August, 2012.

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21 Mary Alice Theiler
22 United States Magistrate Judge